

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. John Brooks Davis

Docket No. 5:00-CR-53-1BO

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of John Brooks Davis, who, upon an earlier plea of guilty to 18 U.S.C. § 924(c)(1)(B)(i), Use of a Short-Barreled Shotgun During and in Relation to a Crime of Violence and 18 § U.S.C. 2, Aiding and Abetting, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on November 27, 2000, to the custody of the Bureau of Prisons for a term of 90 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court.

John Brooks Davis was released from custody on July 7, 2006, at which time the term of supervised release commenced. On December 13, 2008, as the result of a Driving While Impaired charge in Wake County, the court modified the defendant's conditions of supervision to include:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On October 11, 2009, as a result of a new felony drug charge in Florida, the court again modified his conditions of supervision to include:

2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days as directed by the probation officer and shall abide by all rules and regulations of the designated facility.
3. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 10, 2010, the defendant tested positive for cocaine and admitted to using the substance on August 7, 2010. In an attempt to further assist the defendant with his addiction, we will refer him to First Step Services for more intensive outpatient substance abuse treatment and

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significantly increase the frequency of drug testing. Additionally, we recommend modifying his conditions of supervision to include 6 months of the Home Detention Program with Electronic Monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 6 consecutive months. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: August 12, 2010

ORDER OF COURT

Considered and ordered this 13 day of August, 2010, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge